

DEPOSITION OF TIMOTHY DADIK - August 26, 2003

<p style="text-align: center;">1</p> <p>1 UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF OHIO WESTERN DIVISION</p> <p>2</p> <p>3</p> <p>4</p> <p>5 DOUGLAS W. BAILLIE,</p> <p>6 Plaintiff,</p> <p>7 vs. No. C-1-02-062</p> <p>8 CHUBB & SON INSURANCE,</p> <p>9 Defendant.</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17 The Discovery Deposition of TIMOTHY DADIK, 18 called by the Plaintiff for examination, taken pursuant 19 to notice, taken before MICHELE J. LOSURDO, CSR, a Notary 20 Public within and for the County of DuPage, State of 21 Illinois, and a Certified Shorthand Reporter of said 22 state, taken at 500 Park Boulevard, Suite 600, Itasca, 23 Illinois, at the hour of 1:30 p.m., on the 26th of 24 August, A.D., 2003.</p>	<p style="text-align: center;">3</p> <p>1 DEPOSITION OF TIMOTHY DADIK 2 AUGUST 26, 2003 3 TIMOTHY DADIK, having 4 been first duly sworn, was examined 5 and testified as follows: 6 EXAMINATION 7 by Mr. Napier 8 Q. Sir, would you state your 9 name? 10 A. Tim Dadik. 11 Q. My name is Mark Napier and 12 we just met here on the telephone, 13 but to let you know, I am one of 14 several attorneys who represent Doug 15 Baillie in a lawsuit that has been 16 filed against Chubb and we've asked 17 you to appear today for this 18 telephone deposition for the purpose 19 of asking you questions about 20 information you may or may not have 21 related to that lawsuit and I would 22 start out by asking you have you ever 23 given a deposition before? 24 A. I have not.</p>
<p style="text-align: center;">2</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3</p> <p>4 FREKING & BETZ 5 BY: MR. MARK W. NAPIER 6 215 East Ninth Street 7 5th Floor 8 Cincinnati, Ohio 45202 9 (513) 721-1975 10 Appeared telephonically on behalf 11 of the Plaintiff;</p> <p>12</p> <p>13</p> <p>14 KEATING, MUETHING & KLEKAMP, P.L.L. 15 BY: MR. DAVID K. MONTGOMERY 16 1400 Provident Tower 17 One East Fourth Street 18 Cincinnati, Ohio 45202 19 (513) 579-6400 20 Appeared telephonically on behalf 21 of the Defendant. 22 23 24</p>	<p style="text-align: center;">4</p> <p>1 Q. I'll give you a few 2 guidelines or suggestions that may 3 make the process go easier. 4 Particularly because we are on the 5 telephone, I would ask that when I 6 ask you a question, you make sure 7 that your response is one that is 8 verbal as opposed to a nod or a 9 gesture which, of course, I can't 10 see, okay? 11 A. Okay. 12 Q. It will also make it easier 13 for the court reporter in preparing a 14 transcript. Also, I would ask that 15 you wait until I have finished my 16 complete question until you respond, 17 that way, again, we will not be 18 talking on top of each other, okay? 19 A. Okay. 20 Q. Thirdly, if at any time I 21 should ask you a question that you 22 don't understand, just let me know 23 and I'll try to rephrase it so you 24 do understand it.</p>

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<p style="text-align: center;">5</p> <p>1 My purpose today is not</p> <p>2 to trick you in any manner but just</p> <p>3 simply to find out what information</p> <p>4 you know, so, as I say, if you</p> <p>5 answer the question, I'll assume</p> <p>6 you've understood it, okay?</p> <p>7 A. Okay.</p> <p>8 Q. And, finally, we probably</p> <p>9 won't be that long, but if for any</p> <p>10 reason you need to take a break, make</p> <p>11 a phone call, go to the rest room,</p> <p>12 get something to drink, whenever you</p> <p>13 want to take a break, just let me</p> <p>14 know and we could do so.</p> <p>15 The only thing that I</p> <p>16 would ask is that before you take a</p> <p>17 break, just finish any question that's</p> <p>18 pending.</p> <p>19 A. Will do.</p> <p>20 Q. Tim, why don't you start out</p> <p>21 by giving us your current residence</p> <p>22 address?</p> <p>23 A. [REDACTED]</p> <p>24 [REDACTED]</p>	<p style="text-align: center;">7</p> <p>1 position with Chubb?</p> <p>2 A. I am the personal lines</p> <p>3 manager for our Itasca, Illinois</p> <p>4 office.</p> <p>5 Q. I'm going to ask you if you</p> <p>6 would start beginning in 1994 and go</p> <p>7 through your progression of positions</p> <p>8 that you held with Chubb?</p> <p>9 A. I started June of 1994 as a</p> <p>10 commercial lines underwriting trainee.</p> <p>11 I held that position for roughly a</p> <p>12 year, left the company for three</p> <p>13 months, then came back as a personal</p> <p>14 lines underwriter here in our Chicago</p> <p>15 office.</p> <p>16 I spent from that point</p> <p>17 up until August 1998 as an</p> <p>18 underwriter for various territories</p> <p>19 and in August of 1998 was moved to</p> <p>20 our Cincinnati, Ohio office as a</p> <p>21 marketing specialist in personal</p> <p>22 lines.</p> <p>23 December of 1999 I was</p> <p>24 promoted to the personal lines manager</p>
<p style="text-align: center;">6</p> <p>1 Q. And how long have you lived</p> <p>2 at that address?</p> <p>3 A. A year.</p> <p>4 Q. What was your address prior</p> <p>5 to living at the Rockwell Avenue</p> <p>6 address, what city?</p> <p>7 A. Glendale Heights, Illinois</p> <p>8 for three months.</p> <p>9 Q. How long have you worked in</p> <p>10 Chicago?</p> <p>11 A. Since January of 2002.</p> <p>12 Q. What is your current home</p> <p>13 telephone number?</p> <p>14 A. [REDACTED]</p> <p>15 Q. And what is your date of</p> <p>16 birth?</p> <p>17 A. [REDACTED]</p> <p>18 Q. Who is your current</p> <p>19 employer?</p> <p>20 A. Chubb Insurance.</p> <p>21 Q. Do you recall your date of</p> <p>22 hire with Chubb?</p> <p>23 A. June 13th, 1994.</p> <p>24 Q. And what's your current</p>	<p style="text-align: center;">8</p> <p>1 of the Cincinnati territory and then</p> <p>2 January of 2002, I was promoted to</p> <p>3 the current position that I'm in here</p> <p>4 in Itasca.</p> <p>5 Q. Do you know Doug Baillie?</p> <p>6 A. I do.</p> <p>7 Q. How do you know Mr. Baillie?</p> <p>8 A. Doug was the branch manager</p> <p>9 in Cincinnati.</p> <p>10 Q. At the time that you came</p> <p>11 here in August of '98?</p> <p>12 A. Doug and I started at</p> <p>13 approximately the same time.</p> <p>14 Q. Okay. Now, in Cincinnati,</p> <p>15 was that a regional position or just</p> <p>16 for the Cincinnati branch area?</p> <p>17 A. My responsibilities included</p> <p>18 the Cincinnati office as well as the</p> <p>19 Columbus, Ohio office as well as the</p> <p>20 Louisville, Kentucky office.</p> <p>21 Q. Were the Columbus and</p> <p>22 Louisville offices what I've heard</p> <p>23 referred to as production offices?</p> <p>24 A. That is correct.</p>

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1 Q. It is correct to say
2 essentially they were satellite
3 offices of the Cincinnati office?
4 A. They were what we called
5 production offices.
6 Q. And the parent office was
7 Cincinnati?
8 A. Cincinnati was a branch
9 office for the company.
10 Q. You indicated that you began
11 as a marketing specialist in personal
12 lines.

13 Could you describe what
14 you did in that position as a
15 marketing specialist in personal
16 lines?

17 A. The marketing specialist
18 reported directly to the personal
19 lines manager and then that personal
20 lines manager, in turn, reported
21 directly to the branch manager and
22 what we refer to as a zonal, so my
23 responsibilities were the day-to-day
24 handling of the agencies that were

11

1 specialist for Chubb in our Chicago
2 office.

3 Q. And do you know why he left
4 that position as personal lines
5 manager after taking over for Mr.
6 Kravchick?

7 A. No, I don't know why he
8 left.

9 Q. Did he leave the company or
10 did he go to another position with
11 Chubb, if you know?

12 A. Byron left the company to go
13 work for an independent insurance
14 agency.

15 Q. Do you know what independent
16 insurance agency that was?

17 A. I believe it was AON.

18 Q. A-O-N?

19 A. Correct.

20 Q. Do you know is he still
21 employed there to your knowledge?

22 A. He is not.

23 Q. Do you know where he's
24 currently employed?

10

1 appointed to do business with Chubb.

2 Q. Who was the personal lines
3 manager when you began in August of
4 '98 at the Cincinnati branch?

5 A. Michael Kravchick.

6 Q. And then in December of '99,
7 you assumed his position?

8 A. No. Michael left three
9 months after I joined the branch and
10 then Byron Simpson replaced him. I,
11 in turn, replaced Byron.

12 Q. Why did Mr. Kravchick leave?

13 A. He went to go work for
14 another insurance company.

15 Q. Was he asked to leave to
16 your knowledge?

17 A. I don't know.

18 Q. And Mr. Simpson then took
19 over for Mr. Kravchick?

20 A. Correct.

21 Q. Where had Mr. Simpson been
22 employed prior to assuming the
23 position of personal lines manager?

24 A. Byron was a marketing

12

1 A. No, I don't know where he
2 is currently employed.

3 Q. It's your understanding that
4 he is no longer employed by A-O-N?

5 A. As far as I know, he is not
6 employed by AON any longer.

7 Q. When he left Chubb and went
8 to work for A-O-N, do you know what
9 location he was working for A-O-N?

10 A. Here in Chicago.

11 Q. And you assumed the position
12 of personal lines manager and took
13 over when Mr. Simpson left?

14 A. That is correct.

15 Q. And that would have been in
16 December of 1999?

17 A. Correct.

18 Q. How would you describe the
19 condition of the personal lines
20 department at the time that you took
21 it over?

22 A. In what manner?

23 Q. Just overall performance.

24 A. To the best that I can

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<p style="text-align: center;">13</p> <p>1 recall, the territory was growing 2 prior to me even arriving in 3 Cincinnati and it was profitable. 4 Q. During the time that you 5 served as the personal lines manager, 6 did the growth continue? 7 A. Yes, it did. 8 Q. Can you give me any numbers? 9 Do you know what the overall sales 10 numbers were for, say, the end of 11 1999 and then for the successive 12 years? 13 A. To the best that I can 14 recall, it was a \$21 million 15 territory and we probably grew 10 16 percent per year. 17 Q. When you give that figure of 18 21 million, are you indicating that's 19 your estimate at the end of 1999? 20 A. Yes. 21 Q. And during the time that you 22 served as a production lines manager, 23 it's your recollection that you grew 24 approximately on an average 10 percent</p>	<p style="text-align: center;">15</p> <p>1 served as the personal lines manager, 2 would Mr. Baillie conduct your 3 performance appraisals? 4 A. I had an annual performance 5 review with Doug. 6 Q. Did you find that Mr. 7 Baillie was fair in his performance 8 reviews? 9 A. No. 10 Q. What manner was he unfair? 11 A. There was a lack of 12 preparation in planning for the 13 performance reviews and a lack of 14 recognition of the results and then 15 the corresponding salary increases. 16 Q. When you say lack of 17 preparation, in what manner? 18 A. I could tell from sitting in 19 front of Doug that he had not 20 prepared at all for that conversation. 21 Q. On how many occasions did he 22 give you an annual performance review? 23 A. Well, an annual performance 24 review would be once a year.</p>
<p style="text-align: center;">14</p> <p>1 per year? 2 A. That is correct. Right. 3 Q. Now, once you became the 4 personal lines manager, who is your 5 direct supervisor? 6 A. I had two direct reports. 7 I reported directly to Doug Baillie 8 as my branch manager and I reported 9 directly to my boss within personal 10 lines. 11 Q. And who is that? 12 A. James Hasley. 13 Q. How do you spell his last 14 name? 15 A. H-a-s-l-e-y. 16 Q. Where was Mr. Hasley 17 located? 18 A. He was in Chicago. 19 Q. What was his title that he 20 held when he served as your 21 supervisor? 22 A. Northern zone personal lines 23 manager. 24 Q. During the period that you</p>	<p style="text-align: center;">16</p> <p>1 Q. How many annual performance 2 reviews did you receive by Mr. 3 Baillie? 4 A. I would have had a 5 discussion with him only in December 6 of '99, I believe. 7 Q. But you had just started in 8 that position of performance lines 9 manager in December of '99, correct? 10 A. Correct. 11 Q. How did you feel he was 12 unprepared if you had just began in 13 your new position? 14 A. As a person working in 15 Doug's branch, you know, he would 16 have some idea of skills, weaknesses, 17 strengths, I think, of his people and 18 when I say that he was ill-prepared, 19 you would agree with me that you've 20 probably sat in court many times 21 where you could tell that someone is 22 simply not prepared for a meeting or 23 to ask questions and that was my 24 perception of my annual performance</p>

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1 review with Doug.
 2 Q. To your knowledge, that's
 3 the only one he ever gave you?
 4 A. Yeah, because December of
 5 '99 was when I first started -- you
 6 know what, I stand corrected. It
 7 would have also been December of 2000
 8 because I stayed in Cincinnati through
 9 December of 2001.
 10 Q. And what was your perception
 11 of his preparation in December of
 12 2000?
 13 A. The same.
 14 Q. When you say that he was
 15 unprepared, are you saying that you
 16 felt that he had not made a
 17 sufficient assessment of your skills,
 18 weaknesses and strengths?
 19 MR. MONTGOMERY: Just
 20 for the record, object. I think that
 21 was asked and answered. And on all
 22 these, Tim, you'll still go ahead and
 23 answer. I just need to state for
 24 the record.

19

1 Q. Did you feel that the
 2 feedback he gave you in December of
 3 2000 was inaccurate?
 4 A. I think it was inaccurate
 5 for the same reasons I gave before,
 6 yes.
 7 Q. You didn't give any reasons
 8 if I could --
 9 A. No, that I said that I felt
 10 he was ill-prepared for that. After
 11 spending a year as one of his direct
 12 reports, I think that he had more
 13 specific knowledge about my strengths
 14 and weaknesses, but I still don't
 15 feel that he adequately addressed
 16 those or accurately necessarily
 17 addressed those.
 18 Q. Do you recall what advice he
 19 gave you during your December of '99
 20 performance review?
 21 A. No. I was very new at that
 22 point and I don't recall. It was
 23 three years ago.
 24 Q. Do you recall what advice or

18

1 THE WITNESS: Okay.
 2 BY THE WITNESS:
 3 A. If you would then repeat the
 4 question.
 5 BY MR. NAPIER:
 6 Q. Sure. When you say he was
 7 unprepared, I'm trying to gain an
 8 understanding of what you mean by
 9 that.
 10 A. Well, as I had answered
 11 before, he would shuffle through
 12 papers, he would not have what I
 13 would consider a logical thought
 14 pattern and gave me feedback that I
 15 didn't feel was accurate to my
 16 performance in the branch.
 17 Q. What feedback do you recall
 18 that he gave you in December of '99
 19 that you felt to be inaccurate?
 20 A. At this point, I couldn't
 21 recall.
 22 Q. Nothing sticks out in your
 23 mind?
 24 A. No.

20

1 counseling he gave you during your
 2 December 2000 review?
 3 A. No.
 4 Q. But your overall impression
 5 and what you recall was he appeared
 6 to be less than well-prepared?
 7 MR. MONTGOMERY:
 8 Objection, asked and answered.
 9 BY MR. NAPIER:
 10 Q. Is that correct?
 11 A. That is correct.
 12 Q. You also indicated, if I
 13 understood you correctly, that in
 14 addition to a lack of preparation as
 15 you characterized it, there appeared
 16 to a lack of recognition of results;
 17 could you explain what you mean by
 18 that?
 19 A. The monetary rewards that I
 20 received for the position I don't
 21 think reflected what should have been
 22 given for that.
 23 Q. When you say monetary
 24 awards, you're, of course, talking

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<p style="text-align: center;">21</p> <p>1 about the level of – or the 2 compensation that you were paid? 3 A. Correct. 4 Q. In December of '99, what was 5 your compensation? 6 A. If I had to guess, which I 7 am doing, it was probably 45,000. 8 MR. MONTGOMERY: Tim, 9 let me just caution you, I don't mind 10 if you do want to guess, but just 11 make sure if you do that in the 12 future that you indicate that you are 13 guessing. 14 THE WITNESS: Yes, I 15 will. 16 BY THE WITNESS: 17 A. What sticks out in my mind 18 is when I was promoted, I received a 19 4 percent increase to go from a 20 marketing specialist to a personal 21 lines manager and that is well below 22 what I knew to be a percentage for 23 someone that was being promoted into 24 management.</p>	<p style="text-align: center;">23</p> <p>1 months later I did receive what the 2 company called a spot bonus which, in 3 essence, made up the differential 4 between what I knew should have been 5 my percentage increase. 6 Q. Was that spot bonus based on 7 the favorable performance of your 8 department in that six- to nine-month 9 period? 10 A. That spot bonus was given to 11 me by my zone manager for a job well 12 done for the first six or nine months 13 in the territory. 14 Q. Do you know if Mr. Baillie 15 had to approve the awarding of the 16 spot bonus? 17 A. As the local branch manager 18 responsible for controlling salaries, 19 yes, I do believe he had to approve 20 that. 21 Q. Do you know whether or not 22 he complimented you or made any 23 comments at the time you were awarded 24 that bonus?</p>
<p style="text-align: center;">22</p> <p>1 BY MR. NAPIER: 2 Q. Did you address this concern 3 or issue with Mr. Baillie? 4 A. It was presented to me as a 5 take-it or leave-it opportunity. 6 Q. So, again, did you discuss 7 it with Mr. Baillie that you felt 8 that the compensation offered was 9 inadequate? 10 A. Yes. 11 Q. What do you recall about 12 those discussions? 13 A. It was a take-it or leave-it 14 opportunity. He made it very clear. 15 Q. Do you know if there was 16 other candidates for that position at 17 the time? 18 A. I'm not privy to that 19 information and, no, I don't recall. 20 Q. Do you recall whether or not 21 there was a salary range for that 22 position? 23 A. I do not know if there was 24 or not. I do know that six or nine</p>	<p style="text-align: center;">24</p> <p>1 A. Yes. 2 Q. What did he do? 3 A. It was just a very brief 4 conversation, congratulations, job 5 well done, keep it up. 6 Q. It's fair to say he 7 recognized your achievements at that 8 time by approving the spot bonus? 9 A. At that time, yes. 10 Q. But when you say lack of 11 recognition of results, you're talking 12 about what you perceive as a lack of 13 recognition in December of '99 when 14 you were promoted? 15 A. No. I think that that 16 continued through my two performance 17 reviews. I don't think my 18 compensation was ever an accurate 19 reflection of the effort that was put 20 forth as well as the results that 21 were there. 22 Q. Do you know how your 23 compensation compared with other 24 managers in the Cincinnati office?</p>

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1 A. No, I don't.

2 Q. You don't know if you were
3 on the low end, the middle of or the
4 high end of compensation for
5 department managers within the
6 Cincinnati branch?

7 A. That is correct.

8 Q. While you served as the
9 personal lines manager in Cincinnati,
10 did you engage in marketing
11 activities?

12 A. I did.

13 Q. What kind of marketing
14 activities did you engage in?

15 A. As the manager, I was
16 responsible for profit and growth in
17 the territory, so marketing activities
18 would be anything from supporting the
19 marketing specialists that worked in
20 conjunction with me to agency travel
21 to uncovering new business
22 opportunities for the company for the
23 department.

24 Q. Did you try to implement

27

1 A. Correct.

2 Q. Did you find Mr. Baillie to
3 be helpful and provide assistance in
4 your marketing activities?

5 A. The majority of the
6 incentives that I did, I worked in
7 conjunction with our marketing manager
8 Jeff Barton to implement those
9 incentive agreements.

10 Q. What role did Mr. Baillie
11 play in your marketing activities?

12 A. He always had final sign-off
13 on whether or not we would do an
14 incentive.

15 Q. Are you saying that he was
16 supportive when you would make a
17 recommendation for an incentive to be
18 utilized?

19 A. Yes.

20 Q. You did find him supportive?

21 A. Yes.

22 Q. Did he on occasion go out
23 with you when you were engaged in
24 marketing activities?

26

1 growth incentives for the agencies?

2 A. We had a specific pot of
3 money every year that we could use
4 toward special incentives and, yes, I
5 did use those.

6 Q. What type of growth
7 incentives did you utilize during this
8 period that Mr. Baillie was the
9 regional manager?

10 A. They were typically new
11 business incentives.

12 Q. Could you explain what those
13 are because I'm not familiar and also
14 for the record, what kind of new
15 business incentives did you try to
16 utilize?

17 A. We would present an
18 incentive to an agency that if they
19 wrote a half million dollars of new
20 business, we would give them \$25,000
21 just as an example.

22 Q. So obviously these were
23 incentives to try to grow the
24 business?

28

1 A. I very infrequently traveled
2 with Doug.

3 Q. Were there occasions when he
4 would make agency visits with you?

5 A. There were occasions where
6 Doug was meeting with an agency
7 principal and personal lines was going
8 to be a topic of conversation and so
9 I attended those meetings with Doug.

10 Q. Did you feel it was
11 necessary for Doug to go with you on
12 field visits or did you feel his
13 level of participation was
14 satisfactory?

15 A. Doug was more than welcome
16 to travel with me on any agency
17 visitation he wanted to go on. I
18 think that one of his shortcomings
19 was his lack of involvement in
20 personal lines.

21 Q. How did his lack of
22 involvement manifest itself, are you
23 saying he did not make sufficient
24 number of agency visits in your

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<p style="text-align: center;">29</p> <p>1 estimation?</p> <p>2 A. I think that Doug's</p> <p>3 involvement in personal lines --</p> <p>4 nonexistent is not a fair word,</p> <p>5 that's too harsh, but he was simply</p> <p>6 not involved with the visiting of key</p> <p>7 agents and personnel to drive new</p> <p>8 business opportunities.</p> <p>9 Q. So it is your testimony that</p> <p>10 he was supportive in the incentives</p> <p>11 that you tried to implement to growth</p> <p>12 of profit?</p> <p>13 MR. MONTGOMERY:</p> <p>14 Objection, asked and answered twice.</p> <p>15 BY MR. NAPIER:</p> <p>16 Q. Can you answer the question,</p> <p>17 sir?</p> <p>18 A. Doug did approve the</p> <p>19 incentive agreements that were placed</p> <p>20 in front of him.</p> <p>21 Q. Did Mr. Baillie provide any</p> <p>22 other assistance in your marketing</p> <p>23 activities?</p> <p>24 A. If there were occasions</p>	<p style="text-align: center;">31</p> <p>1 regional manager, did the growth</p> <p>2 profit and retention of key accounts</p> <p>3 grow in the branch?</p> <p>4 A. As I had mentioned earlier,</p> <p>5 we grew around 10 percent each year.</p> <p>6 Retention was unchanged. We were in</p> <p>7 a marketplace where customers were not</p> <p>8 aggressively leaving us, so that was</p> <p>9 probably unchanged.</p> <p>10 Profit, I believe, was</p> <p>11 still satisfactory and, I'm sorry, I</p> <p>12 don't remember the exact numbers for</p> <p>13 the territory, but we did make an</p> <p>14 underwriting profit.</p> <p>15 Q. Did you feel that you met</p> <p>16 your department's business goals</p> <p>17 during the period that Mr. Baillie</p> <p>18 was your supervisor?</p> <p>19 A. To the best I can recall,</p> <p>20 we came close to our premium growth</p> <p>21 plans each year which were typically</p> <p>22 aggressive and we did earn an</p> <p>23 underwriting profit.</p> <p>24 Q. How were you first made</p>
<p style="text-align: center;">30</p> <p>1 where a large existing customer was</p> <p>2 in jeopardy of leaving Chubb, Doug</p> <p>3 was involved at my request to get</p> <p>4 involved.</p> <p>5 Q. Did that happen on more than</p> <p>6 one occasion?</p> <p>7 A. Yes.</p> <p>8 Q. On those occasions, did you</p> <p>9 find his involvement to be</p> <p>10 satisfactory?</p> <p>11 A. I think his involvement was</p> <p>12 required. We retained the business,</p> <p>13 but I don't credit Doug with that</p> <p>14 business being retained with us.</p> <p>15 Q. Then why would you ask him</p> <p>16 to get involved?</p> <p>17 A. As the local branch manager,</p> <p>18 he was responsible for growth profit</p> <p>19 retention of key accounts and if a</p> <p>20 key account was in jeopardy of</p> <p>21 leaving us, I feel it's my</p> <p>22 responsibility to get him involved to</p> <p>23 see if he can help.</p> <p>24 Q. During his tenure as the</p>	<p style="text-align: center;">32</p> <p>1 aware that Mr. Baillie's employment</p> <p>2 was terminated by Chubb?</p> <p>3 A. I walked into his office</p> <p>4 shortly after he had found out.</p> <p>5 Q. This would have been on the</p> <p>6 same day?</p> <p>7 A. Correct.</p> <p>8 Q. What do you recall about the</p> <p>9 situation or what occurred when you</p> <p>10 walked in his office and learned</p> <p>11 that?</p> <p>12 A. It was a very brief</p> <p>13 encounter. I was simply stopping</p> <p>14 down to say hello. He said that he</p> <p>15 was unexpectedly leaving Chubb. What</p> <p>16 do you say at that point?</p> <p>17 Q. Right. Was there anything</p> <p>18 else said that you can recall?</p> <p>19 A. No. It was a very brief</p> <p>20 encounter. I wished him well and</p> <p>21 went on my way.</p> <p>22 Q. Did he say anything</p> <p>23 derogatory regarding Chubb at that</p> <p>24 time?</p>

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1 A. He did not.
 2 Q. Did his conduct appear to be
 3 professional?
 4 A. Yes.
 5 Q. Did he inform you or did --
 6 well, did he inform you the reasons
 7 why he was leaving Chubb?
 8 A. No, he did not.
 9 Q. Was there later any type of
 10 more public announcement by him to
 11 persons in the branch of his leaving?
 12 A. I honestly don't remember if
 13 he pulled the branch together to say
 14 that he was leaving. I don't think
 15 he did.
 16 Q. Do you recall whether or not
 17 you ever attended any conference call
 18 or meeting by Tim Czerlong to
 19 announce Mr. Baillie's departure?
 20 A. No.
 21 Q. During the time that you
 22 were the personal lines manager and
 23 Mr. Baillie was your supervisor in
 24 Cincinnati, who was the HR manager

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1 departments; is that correct?
 2 A. He would engage in marketing
 3 opportunities for other departments to
 4 a much higher percentage than what he
 5 did for personal lines. I was a
 6 third of that branch from a premium
 7 volume standpoint and I did not have
 8 a day and a third of his time each
 9 week, but, yes, he was involved in
 10 marketing opportunities for other
 11 departments.
 12 Q. Are you aware of the
 13 performance of the other departments
 14 within the branch?
 15 A. I knew what they were, sure,
 16 that's public knowledge in our
 17 computer systems.
 18 Q. Are you -- were you made
 19 aware or were you kept informed of
 20 his activities involving the other
 21 departments?
 22 A. On any given day, if I were
 23 to ask where he was, I would know
 24 that. Was I given an e-mail every

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1 there?
 2 A. Diane Haggard.
 3 Q. Did you ever complain to Ms.
 4 Haggard about any conduct by Mr.
 5 Baillie?
 6 A. I had had several
 7 conversations with Diane about the
 8 lack of attendance of Doug in the
 9 branch. Doug was not around any time
 10 it was nice outside.
 11 Doug also, as you
 12 mentioned earlier, had regional
 13 responsibilities which required him to
 14 travel to Columbus and to areas in
 15 Kentucky.
 16 Q. I think by your statement
 17 you're saying you understood that as
 18 a regional manager, he would be out
 19 in the field on many occasions; is
 20 that correct?
 21 A. That is correct.
 22 Q. You also understand as the
 23 regional manager, he would engage in
 24 marketing activities for other

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1 week that said here's Doug's travel
 2 schedule, no.
 3 Q. So on occasions when he was
 4 out of the office, you don't have
 5 necessarily personal knowledge of
 6 where he was on those occasions;
 7 isn't that correct?
 8 A. Correct.
 9 Q. But you indicated you
 10 complained to Ms. Haggard about his
 11 lack of attendance?
 12 A. Correct.
 13 Q. What was her response?
 14 A. I don't recall. As an HR
 15 representative, her job was simply to
 16 listen.
 17 Q. Well, did you express to Mr.
 18 Baillie your apparent concern about
 19 his lack of attendance in the branch?
 20 A. My responsibilities did not
 21 encompass managing Doug's travel
 22 schedule.
 23 Q. I'm going to ask you to
 24 answer my questions when I give you a

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1 question.

2 Again, regarding Ms.
3 Haggard, do you know on how many
4 occasions you complained to her about
5 Doug's lack of attendance?

6 A. I would say several, three,
7 four.

8 Q. And, again, did you ever
9 discuss it with Mr. Baillie?

10 A. No, I did not.

11 Q. In addition to your apparent
12 concerns about Mr. Baillie's lack of
13 attendance, did you ever complain to
14 Ms. Haggard about any other issues or
15 conduct regarding Mr. Baillie?

16 A. I think on one or two of
17 the occasions that I spoke to Diane,
18 it was that Doug seemed to be out
19 entertaining more than he was what
20 you would call, I guess, doing
21 marketing visits, supporting other
22 departments.

23 He seemed to be out
24 golfing pretty frequently and that was

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1 entertaining?

2 A. I golfed with Doug on
3 several occasions.

4 Q. Was that at some type of
5 Chubb function?

6 A. No, it was a one-over-one
7 planned golf outing with one of the
8 agents that we do business with.

9 Q. So it was conducted with
10 Chubb business, was it not?

11 A. Correct.

12 Q. It was a marketing activity
13 in that sense, correct?

14 A. Correct.

15 Q. Other than this lack of
16 attendance or this frequent
17 entertaining complaint, did you ever
18 complain to Ms. Haggard about any
19 other concerns regarding Mr. Baillie's
20 conduct?

21 A. As part of the those
22 conversations, I would mention that as
23 a first year manager, I didn't really
24 feel that I was being given the

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1 a source of concern for me.

2 Q. That somehow irritated you
3 that he was out golfing more
4 frequently than what you felt to be
5 appropriate?

6 MR. MONTGOMERY:
7 Objection, argumentative.

8 BY MR. NAPIER:

9 Q. I'm just trying to find out,
10 sir, were you irritated by that?

11 A. It was irritating to me that
12 if I needed him, he was not around
13 and not doing something that I
14 perceived productive to supporting the
15 branch growth and profit goals.

16 Q. Did you ever -- again, you
17 never expressed your concerns though
18 to Mr. Baillie about his -- what you
19 perceived as frequent golfing?

20 A. Correct.

21 Q. Now, you indicated he seemed
22 to be out entertaining. Were there
23 occasions where you accompanied him on
24 what you would describe as

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1 development that I expected from a
2 branch manager.

3 Q. This was your first year as
4 a manager for Chubb, correct?

5 A. Yeah, 2000 was my first year
6 as a manager for Chubb, correct.

7 Q. And you had complaints
8 regarding the level of development
9 that you felt your supervisor was
10 spending with you?

11 MR. MONTGOMERY:
12 Objection, asked and answered.

13 BY MR. NAPIER:

14 Q. Is that true?

15 A. I felt that my expectation
16 of what I wanted from a branch
17 manager was not being met given my
18 own development, yes.

19 Q. Did you express your
20 concerns to Mr. Baillie?

21 A. I did not.

22 Q. But this is a concern,
23 again, that you expressed to Ms.
24 Haggard?

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<p style="text-align: center;">41</p> <p>1 A. Correct.</p> <p>2 Q. Let me ask the question this</p> <p>3 way in your discussions with Ms.</p> <p>4 Haggard, was there any -- let me</p> <p>5 start all over.</p> <p>6 I'd like to know what</p> <p>7 concerns you expressed to Ms. Haggard</p> <p>8 regarding Mr. Baillie. I'd like to</p> <p>9 know all of them. You've talked</p> <p>10 about lack of attendance. You said</p> <p>11 you thought he entertained too much.</p> <p>12 Apparently you felt</p> <p>13 also that the time that he spent with</p> <p>14 you in development for a first year</p> <p>15 manager was not adequate.</p> <p>16 What other concerns did</p> <p>17 you express to Ms. Haggard regarding</p> <p>18 Mr. Baillie?</p> <p>19 A. I think the only other topic</p> <p>20 we really discussed was a lack of</p> <p>21 technical skills on the part of Doug</p> <p>22 to understand the personal lines</p> <p>23 business.</p> <p>24 Q. Well, that was the purpose</p>	<p style="text-align: center;">43</p> <p>1 very number-intensive department</p> <p>2 within the company.</p> <p>3 Q. That would require</p> <p>4 aggressive marketing, would it not?</p> <p>5 A. No. My comment was simply</p> <p>6 that the majority of the customers in</p> <p>7 personal lines are of a premium</p> <p>8 volume that a branch manager would</p> <p>9 not be involved relative to a</p> <p>10 commercial policy that pays a</p> <p>11 significantly more premium, so Doug's</p> <p>12 involvement would have been typically</p> <p>13 on the larger accounts.</p> <p>14 Q. I'm still trying to</p> <p>15 understand what was the purpose of</p> <p>16 having a zonal manager?</p> <p>17 A. Chubb has a dual</p> <p>18 accountability structure where each</p> <p>19 manager is responsible to their branch</p> <p>20 manager for local results and to</p> <p>21 their zone manager for results within</p> <p>22 their own division.</p> <p>23 Q. If you had a technical</p> <p>24 question as you called it, would you</p>
<p style="text-align: center;">42</p> <p>1 of your zonal manager, was it not?</p> <p>2 MR. MONTGOMERY:</p> <p>3 Objection, argumentative.</p> <p>4 BY THE WITNESS:</p> <p>5 A. As the local branch manager,</p> <p>6 Doug has responsibility for knowing</p> <p>7 all product lines.</p> <p>8 BY MR. NAPIER:</p> <p>9 Q. I understand he's to have</p> <p>10 knowledge, but what's the purpose of</p> <p>11 your zonal manager?</p> <p>12 A. Purpose of the zonal manager</p> <p>13 was to drive the initiatives of that</p> <p>14 department down into the field.</p> <p>15 Q. What was he -- what</p> <p>16 functions would he perform that were</p> <p>17 not performed by Mr. Baillie?</p> <p>18 A. Doug was the one that was</p> <p>19 involved with individual accounts that</p> <p>20 could be leaving us. Doug would have</p> <p>21 been involved with other larger</p> <p>22 customers that we would be trying to</p> <p>23 acquire as well.</p> <p>24 Personal lines is a</p>	<p style="text-align: center;">44</p> <p>1 speak with your zonal manager</p> <p>2 regarding that?</p> <p>3 A. Typically.</p> <p>4 Q. He would be a source for</p> <p>5 you to go to should you have a</p> <p>6 technical question or issue, correct?</p> <p>7 A. I'm sorry. I missed the</p> <p>8 first part of the question.</p> <p>9 Q. He would be a resource --</p> <p>10 the zonal manager would be a resource</p> <p>11 that you could consult if you had a</p> <p>12 technical question regarding a</p> <p>13 product?</p> <p>14 A. Correct, as would a local</p> <p>15 underwriting center manager based out</p> <p>16 of Chicago.</p> <p>17 Q. Who would that have been?</p> <p>18 A. At the time, Tom Botsford.</p> <p>19 Q. So if you had a technical</p> <p>20 question I think you indicated earlier</p> <p>21 regarding a product, you could check</p> <p>22 with your northern zone personal lines</p> <p>23 manager Mr. Hasley and then also Mr.</p> <p>24 Botsford?</p>

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<p style="text-align: center;">45</p> <p>1 A. Those were two of the 2 outlets that I could turn to, but I 3 certainly think that being an 4 effective branch manager, that should 5 have been a third resource and as the 6 person that was only 100 yards from 7 me, that would have been the person 8 that I would probably rely on. 9 Q. Are you indicating that it 10 was your expectation that Mr. Baillie 11 would have the same level of 12 knowledge regarding personal lines and 13 technical issues of those products as 14 would Mr. Hasley or Mr. Botsford? 15 A. I think that's an 16 unrealistic expectation. 17 Q. It would be unrealistic for 18 Mr. Baillie to have that same level 19 of knowledge; is that correct? 20 A. That is correct, but I would 21 expect him to be able to understand 22 the basics. 23 Q. Is it your testimony that 24 Mr. Baillie did not understand the</p>	<p style="text-align: center;">47</p> <p>1 A. He would be involved when 2 asked. 3 Q. Are there any other concerns 4 that you expressed to Ms. Haggard -- 5 A. No. 6 Q. Let me finish the question. 7 Are there any other 8 concerns that you expressed to Ms. 9 Haggard regarding Doug Baillie while 10 he served as the regional manager or 11 your direct supervisor? 12 A. No. 13 Q. Did you ever express any 14 concerns or complaints regarding Mr. 15 Baillie to Tim Czerlong? 16 A. No, I did not. 17 Q. That would include during 18 any phone conversations or any visits 19 that Mr. Czerlong may have made to 20 the branch? 21 A. Correct. I had very limited 22 involvement with Tim Czerlong, very 23 limited interaction. 24 Q. And it's your recollection,</p>
<p style="text-align: center;">46</p> <p>1 basics of personal lines? 2 A. It's my testimony that as a 3 company, Chubb focuses specifically on 4 larger more affluent customers and 5 Doug had a long-held belief that we 6 were better served as a company to 7 write smaller homes and we had that 8 debate many times. 9 Q. I apologize, but I'm 10 confused. 11 Are you saying that, in 12 your opinion, Doug did follow the 13 company's strategy or did not? 14 A. Doug followed the company's 15 strategy, but his view points on what 16 we should do were very different. 17 Q. Different than your own? 18 A. Different than the company's 19 appetite that had been 20 well-established. 21 Q. You indicated earlier that 22 Mr. Baillie would be active regarding 23 the larger personal lines account; is 24 that correct?</p>	<p style="text-align: center;">48</p> <p>1 at least prior to Mr. Baillie's 2 termination, that you had no 3 conversation, personal or by 4 telephone, to Mr. Czerlong regarding 5 Mr. Baillie? 6 A. That is correct. 7 Q. Prior to Mr. Baillie's 8 termination, do you recall ever having 9 any conversations with Jim Ekdahl 10 regarding Doug Baillie? 11 A. No. To the best of my 12 ability, I don't recall. Those 13 conversations took place with Diane 14 Haggard, again, because it was at the 15 local level. 16 Q. I understand. 17 Do you know from your 18 own personal knowledge whether or not 19 Ms. Haggard passed on your concerns 20 to anyone at the zonal level or to 21 higher HR level? 22 MR. MONTGOMERY: 23 Objection, calls for speculation. 24 BY THE WITNESS:</p>

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1 A. I am unaware of what Diane
2 would have done with that information.

3 BY MR. NAPIER:

4 Q. By that question, I guess
5 I'm asking did she ever express to
6 you that she communicated your
7 concerns to anyone at the zonal
8 level?

9 A. Not that I recall.

10 Q. Other than Ms. Haggard, was
11 there anyone at Chubb prior to Mr.
12 Baillie's termination that you
13 expressed concerns regarding Mr.
14 Baillie's performance or his conduct?

15 A. I would have had
16 conversations with James Hasley.

17 Q. What were your discussions
18 with Mr. Hasley regarding Doug
19 Baillie?

20 A. My conversations with James
21 would have reflected my conversations
22 with Diane Haggard in content.

23 Q. What was Mr. Hasley's
24 response or advice to you during

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1 A. I don't know what James
2 would have done with that information.

3 BY MR. NAPIER:

4 Q. My question is did he ever
5 indicate or make you aware that he
6 communicated your concerns to anyone
7 else at Chubb regarding Doug Baillie?

8 A. No, James never communicated
9 that to me.

10 Q. In preparation for your
11 deposition today, did you review any
12 documents?

13 A. Can you be more specific?

14 Q. Did you review any pieces of
15 paper?

16 A. No.

17 Q. Did you review any
18 deposition transcripts?

19 A. No.

20 Q. Did you review any
21 correspondence or e-mails?

22 A. No.

23 Q. Did you review any of your
24 own personal notes that you may have

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1 those discussions?

2 A. It was much the same as
3 Diane's. He was very much in a
4 listening position and hearing what I
5 had to say.

6 Q. Do you recall whether or not
7 Mr. Hasley recommended any particular
8 actions that you take?

9 A. To the best I can recall,
10 he would have said, you know, that's
11 the situation you're in, you need to
12 figure out how to best manage that.

13 Q. Is there anything else that
14 you recall that Mr. Hasley said to
15 you during discussions that --
16 concerning Doug Baillie?

17 A. No.

18 Q. Do you know whether or not
19 Mr. Hasley ever communicated your
20 concerns regarding Doug Baillie to
21 anyone else at Chubb?

22 MR. MONTGOMERY:

23 Objection, calls for speculation.

24 BY THE WITNESS:

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1 made in the past?

2 A. No.

3 Q. In preparation for your
4 deposition today, did you have any
5 discussions with anyone at Chubb other
6 than with counsel?

7 A. No.

8 Q. Have you had any
9 communications with Doug Baillie since
10 his termination?

11 MR. MONTGOMERY: Other
12 than what you already covered?

13 BY MR. NAPIER:

14 Q. Other than on the day of
15 his termination.

16 A. The best I can recall, Doug
17 may have sent me one or two e-mails
18 just a hi, how are you, very brief,
19 nothing business related.

20 Q. Were they professional in
21 their tone?

22 A. Yes.

23 Q. Did he say anything
24 derogatory about Chubb?

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<p>53</p> <p>1 A. No, he did not.</p> <p>2 Q. Other than those e-mails,</p> <p>3 have you had any occasions to come in</p> <p>4 contact with Doug Baillie since his</p> <p>5 termination?</p> <p>6 A. I may have run into him</p> <p>7 once and, again, it was a brief</p> <p>8 encounter, hi, how are you, good to</p> <p>9 see you.</p> <p>10 There was no</p> <p>11 conversation of Chubb, of results, of</p> <p>12 anything.</p> <p>13 Q. Do you know where that --</p> <p>14 what the circumstances were of that</p> <p>15 occasion?</p> <p>16 A. I think we were at a golf</p> <p>17 outing.</p> <p>18 Q. Do you know what year?</p> <p>19 A. It would have been at some</p> <p>20 point in 2000 -- 2001, I'm sorry.</p> <p>21 Q. It's my understanding he</p> <p>22 would have been terminated the end of</p> <p>23 August 2001?</p> <p>24 A. Correct.</p>	<p>55</p> <p>1 Q. Did you ever see Mr. Baillie</p> <p>2 engage in any conduct that you felt</p> <p>3 was unprofessional or offensive?</p> <p>4 A. I think that there were</p> <p>5 several occasions where I thought that</p> <p>6 his behavior was not reflective of</p> <p>7 what it should be for a man in his</p> <p>8 position.</p> <p>9 Q. What were those occasions?</p> <p>10 A. We had a March Madness event</p> <p>11 every year that was a party to</p> <p>12 introduce the NCAA basketball</p> <p>13 tournament.</p> <p>14 Q. Was that a party that was</p> <p>15 for just Chubb employees or was it</p> <p>16 also for agents and customers?</p> <p>17 A. That was an event that was</p> <p>18 held at a bar downtown Cincinnati for</p> <p>19 Chubb employees as well as for</p> <p>20 independent agents that we worked</p> <p>21 with.</p> <p>22 To my knowledge, there</p> <p>23 were no customers.</p> <p>24 Q. About how many people would</p>
<p>54</p> <p>1 Q. You think it occurred after</p> <p>2 that?</p> <p>3 A. It did, yes.</p> <p>4 Q. Were you present at an I-Day</p> <p>5 event in 2001 when Mr. Baillie was</p> <p>6 present in Cincinnati?</p> <p>7 A. No.</p> <p>8 Q. Were you told by others of</p> <p>9 any communications they had with Mr.</p> <p>10 Baillie at this I-Day event?</p> <p>11 A. I vaguely remember some type</p> <p>12 of incident at an I-Day event, but</p> <p>13 the details of it, I couldn't even</p> <p>14 begin to speculate.</p> <p>15 Q. Do you recall who may have</p> <p>16 talked to you about the I-Day event?</p> <p>17 A. No. I don't recall.</p> <p>18 Q. During the time that Mr.</p> <p>19 Baillie served as regional manager in</p> <p>20 Cincinnati, did you ever observe or</p> <p>21 see him engage in any conduct that</p> <p>22 you felt violated the Chubb code of</p> <p>23 conduct?</p> <p>24 A. No.</p>	<p>56</p> <p>1 have been in attendance?</p> <p>2 A. One hundred fifty.</p> <p>3 Q. I didn't quite hear that,</p> <p>4 150?</p> <p>5 A. One hundred fifty.</p> <p>6 Q. During the time that Mr.</p> <p>7 Baillie served as the regional</p> <p>8 manager, did that occur on more than</p> <p>9 one occasion, this March Madness</p> <p>10 event?</p> <p>11 A. That was an annual event.</p> <p>12 Q. Would he serve as the host</p> <p>13 of that event as the Cincinnati</p> <p>14 manager?</p> <p>15 A. As the Cincinnati branch</p> <p>16 manager, yes, it was well-known that</p> <p>17 he was the authority in the</p> <p>18 Cincinnati area for Chubb.</p> <p>19 Q. My question, sir, was he the</p> <p>20 host of that event?</p> <p>21 A. Chubb was the host of that</p> <p>22 event.</p> <p>23 Q. He was the most senior</p> <p>24 person at the event for Chubb?</p>

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1 A. Correct.
 2 Q. How did you perceive his
 3 conduct to be less than professional
 4 or less than what you felt was
 5 appropriate?
 6 A. I felt that there was
 7 drinking to an excess that was not
 8 appropriate for that type of an
 9 event.
 10 Q. You say drinking to excess,
 11 are you talking about Mr. Baillie or
 12 others or both?
 13 A. I would say that it was
 14 probably both.
 15 Q. Did you consume alcoholic
 16 beverages during the event?
 17 A. I did.
 18 Q. You did?
 19 A. I did.
 20 Q. What type of alcoholic
 21 beverages were served there, was it
 22 beer and mixed drinks?
 23 A. I definitely can recall
 24 beer. If mixed drinks were there, I

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1 A. I think that he consumed too
 2 much alcohol and his actions and
 3 behaviors reflected that.
 4 BY MR. NAPIER:
 5 Q. You indicated earlier you
 6 had no knowledge of the amount of
 7 alcohol he consumed, correct?
 8 A. Correct.
 9 Q. Have you ever had any
 10 training -- any kind of police
 11 training or anything of that nature
 12 regarding alcohol consumption and
 13 determination of levels of
 14 consumption?
 15 A. No.
 16 Q. What was his behavior that
 17 led you to believe that he had
 18 consumed an excessive amount of
 19 alcohol?
 20 A. Slurred speech.
 21 Q. Anything else?
 22 A. No. That is what I vividly
 23 remember.
 24 Q. You indicated speech was

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1 don't recall.
 2 Q. Do you know specifically how
 3 much alcohol was consumed by Mr.
 4 Baillie?
 5 A. No, I don't.
 6 Q. Were you with him throughout
 7 the course of the event?
 8 A. The event itself was held in
 9 a large room where everyone was in
 10 the same room together for the
 11 duration of the event.
 12 Q. How long did the event --
 13 how many hours did the event last?
 14 A. I believe the event itself
 15 started mid afternoon, 2:00 or 3:00
 16 p.m., typically would wrap up for
 17 most everyone in attendance around
 18 6:00 or 7:00 and then those that
 19 chose to would continue.
 20 Q. Why do you believe that his
 21 conduct was inappropriate?
 22 MR. MONTGOMERY:
 23 Objection, asked and answered.
 24 BY THE WITNESS:

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1 slurred; was this in a conversation
 2 that you had directly with him?
 3 A. Both in conversations that I
 4 would have with him as well as
 5 standing around listening to him talk.
 6 Q. Other than your impression
 7 that he had slurred speech, did he
 8 engage in any conduct in which he did
 9 something you felt was against the
 10 best interest of Chubb?
 11 A. No.
 12 Q. Do you recall him making any
 13 offensive comments?
 14 A. Not at that event, no.
 15 Q. Do you recall him making
 16 offensive comments at another March
 17 Madness event?
 18 A. No, not at March Madness
 19 specifically, but as I had mentioned
 20 before, the I-Day event and there may
 21 have been one other occasion where I
 22 had heard through a third party and,
 23 again, I don't recall the details of
 24 that.

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1 Q. You, yourself, have no -- I
2 asked you previously about the I-Day
3 event and you said you couldn't
4 remember any details, but is your
5 memory such that it's now been
6 refreshed, can you remember something
7 about --

8 A. No. As I just mentioned
9 that the I-Day event was another type
10 of event where I had heard that his
11 behavior was not reflective of what a
12 Chubb employee should have but that
13 those details I could not recall.

14 Q. I want to know about
15 anything personally overheard or
16 observed in terms of comments made by
17 Mr. Baillie that you felt were
18 inappropriate.

19 A. None.

20 Q. So I want to make sure I
21 understand this, your only concern
22 about Mr. Baillie in terms of his
23 conduct that you felt was not
24 reflective or adequately reflective of

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1 A. Okay.

2 Q. You talked about the March
3 Madness event where you felt that he
4 consumed an excessive amount of
5 alcohol and if I understood it
6 correctly, that was based upon the
7 fact that his speech appeared to be
8 slurred; is that correct?

9 A. That is correct.

10 Q. You also indicated that you
11 do not recall any inappropriate
12 comments he made during the March
13 Madness event; is that correct?

14 A. That is correct.

15 Q. I'm trying to find out is
16 there any other basis that you had to
17 conclude that he engaged in excessive
18 alcohol consumption other than the
19 slurred speech?

20 A. Repeat that question for me.

21 Q. Any other basis that you
22 have to conclude that he engaged in
23 excessive alcohol consumption at the
24 March Madness event other than the

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1 an employee of Chubb was that at the
2 March Madness event, you observed or
3 came to the impression that his
4 speech was slurred; is that correct?

5 MR. MONTGOMERY:

6 Objection, that misstates his
7 testimony.

8 BY THE WITNESS:

9 A. We talked specifically about
10 Doug's behavior at the March Madness
11 event as what I would perceive to be
12 inappropriate behavior, but we've also
13 talked about a myriad of other
14 disappointments that I had with Doug
15 as his role as the branch manager
16 with Chubb.

17 BY MR. NAPIER:

18 Q. We've gone through your
19 disappointments with him as a branch
20 manager.

21 I want to concentrate
22 on the topic of whether or not he
23 engaged in any inappropriate conduct
24 at an event, okay?

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1 slurred speech?

2 A. No.

3 Q. Is that no?

4 A. That's a no.

5 Q. Did you ever express to
6 Diane Haggard that you felt that Mr.
7 Baillie consumed an excessive amount
8 of alcohol at the March Madness
9 event?

10 A. No.

11 As I had mentioned
12 before, I think that I gave to you
13 all the issues that I talked to Diane
14 Haggard about.

15 Q. Other than the March Madness
16 event, were there any other Chubb
17 functions during which you observed or
18 were of the opinion that Mr. Baillie
19 engaged in inappropriate conduct?

20 A. If you put a caveat in
21 there of anything that I witnessed
22 firsthand.

23 Q. Yes.

24 A. I think that there were

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1 several golf outings that I attended
2 where I had the same perception as
3 March Madness that there was drinking
4 beyond what I would consider normal
5 at a business function.

6 Q. When you say drinking, are
7 you talking about Mr. Baillie or
8 others or both?

9 A. Both.

10 Q. Both?

11 A. There were multiple parties
12 drinking. My concern was specifically
13 for Doug in his level of drinking as
14 a Chubb employee.

15 Q. What did you base your
16 opinion on that he had consumed an
17 excessive amount of alcohol?

18 A. Much the same as the event
19 for March Madness, slurred speech. I
20 never witnessed Doug fall down, trip,
21 simply slurred speech.

22 Q. And on those occasions of
23 those golf outings, did you ever hear
24 Mr. Baillie make any inappropriate

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1 A. There were some
2 conversations that I had had with
3 Doug where I took his input as
4 another person in the equation when
5 trying to make a decision, so to that
6 end, yes.

7 Q. I'm not sure I understand.

8 Are you saying that on
9 those occasions, his coaching you
10 found to be helpful?

11 A. I think that the input that
12 he offered was helpful. I guess I
13 wouldn't classify it as coaching. It
14 was simply his feedback on the given
15 issue.

16 Q. Would you classify it as
17 advice? I guess I'm trying to
18 understand when you mean input, are
19 you talking about observations or was
20 he --

21 A. We would deal with a given
22 situation and we may think that we
23 want to attack it one way and Doug's
24 comments would say, well, what about

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1 comments?

2 A. I did not.

3 Q. At the golf outings, other
4 than your perception that he had
5 slurred speech, did he engage in any
6 type of conduct that you felt was
7 inappropriate?

8 A. No.

9 Q. Did you ever express to Ms.
10 Haggard or Mr. Czerlong or Mr. Ekdahl
11 your observations regarding Mr.
12 Baillie at any Chubb event where you
13 felt he consumed an excessive amount
14 of alcohol?

15 A. I did not.

16 Q. Mr. Dadik, let me take a
17 moment to look over my notes. I
18 think I'm about done.

19 A. Okay.

20 Q. During the time that Mr.
21 Baillie served as your regional
22 manager, were there any particular
23 strengths that you felt he had as a
24 manager?

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1 looking at this this way. It was
2 simply another perspective that he
3 shared.

4 Q. My question to you is in
5 your opinion, did he have any
6 strengths as the regional manager?
7 Are you identifying what you just
8 described as one of his strengths?

9 A. Yes.

10 Q. Is there any other ways or
11 means by which you felt he exhibited
12 certain strengths as a branch manager?

13 A. No, I think that one would
14 be it.

15 MR. NAPIER: All right,

16 Mr. Dadik, thank you very much.

17 I have no further
18 questions.

19 MR. MONTGOMERY: Tim,
20 you'll have the opportunity to review
21 this and for the court reporter, if
22 the original is ordered, I would like
23 a copy and we'll handle signature for
24 Mr. Dadik.

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<p>69</p> <p>(Witness excused.) FURTHER DEPONENT SAITH NOT</p>	<p>71</p> <p>CERTIFICATE</p> <p>STATE OF : COUNTY OF : Before me, this day, personally appeared, TIMOTHY DADIK, who, being duly sworn, states that the foregoing transcript of his/her Deposition, taken in the matter, on the date, and at the time and place set out on the title page hereof, constitutes a true and accurate transcript of said deposition.</p> <p>TIMOTHY DADIK</p> <p>SUBSCRIBED and SWORN to before me this day of , in the jurisdiction aforesaid.</p> <p>My Commission Expires Notary Public</p>
<p>70</p> <p>DOUGLAS W. BAILLIE VS CHUBB & SON INSURANCE</p> <p>The Deposition of TIMOTHY DADIK, taken in the matter, on the date, and at the time and place set out on the title page hereof.</p> <p>It was requested that the deposition be taken by the reporter and that same be reduced to typewritten form.</p> <p>It was agreed by and between counsel and the parties that the Deponent will read and sign the transcript of said deposition.</p>	<p>72</p> <p>DEPOSITION ERRATA SHEET</p> <p>RE: M & M REPORTING, INC. File No. 7725 Case Caption: DOUGLAS W. BAILLIE VS CHUBB & SON INSURANCE DEPONENT: TIMOTHY DADIK DEPOSITION DATE: AUGUST 26, 2003</p> <p>To the Reporter: I have read the entire transcript of my Deposition taken in the captioned matter or the same has been read to me. I request that the following changes be entered upon the record for the reasons indicated. I have signed my name to the Errata Sheet and the appropriate Certificate and authorize you to attach both to the original transcript.</p>

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